

AMENDED IN ASSEMBLY APRIL 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 451**

**Introduced by Assembly Member Lowenthal**

February 14, 2003

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An act to add Section 17052 to the Business and Professions Code, relating to cellular *and wireless* telephone service.

LEGISLATIVE COUNSEL'S DIGEST

AB 451, as amended, Lowenthal. Cellular *and wireless* telephone service billing statements.

Existing provisions of the Unfair Practices Act require all cellular telephone retailers to post signs located at the point of purchase containing a specified notice. The act prohibits a retailer of cellular telephones from refusing to sell a cellular telephone to a customer based on the customer's refusal to activate the telephone with a specified provider. A violation of the act is a crime.

This bill would add provisions to the Unfair Practices Act that would require a cellular *or wireless* telephone service provider to include in a customer's bill specified information relating to the customer's calling plan, including information regarding the minutes included in the plan, rates for additional minutes, rates for certain services, *rates for messages or images*, and contract terms and conditions.

Because this bill would add new requirements to the Unfair Practices Act, the violation of which is a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.

Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 17052 is added to the Business and  
2 Professions Code, to read:

3 17052. A cellular *or wireless* telephone service provider shall  
4 include in a customer's cellular *or wireless* telephone service  
5 account billing statement a table that provides the following  
6 information regarding the service plan that applies to the  
7 customer's account:

8 (a) The name, if any, of the service plan.

9 (b) The calling-from area.

10 (c) The monthly base charge for the plan.

11 (d) The minutes included in the plan, specifying the days and  
12 times that the minutes apply to.

13 (e) The cost per minute for minutes in excess of the minutes  
14 included in the plan.

15 (f) The amount per minute charged for long-distance minutes.

16 (g) The cost per minute for roaming on other carriers.

17 (h) The cost per call for directory assistance.

18 (i) The length of the contract.

19 (j) Any early termination penalty.

20 (k) Any tryout period during which there will be no penalty for  
21 early termination.

22 (l) The start-up fee, including whether this fee is refundable.

23 (m) *The cost per message, if the plan charges by the message.*

24 (n) *The cost per image or byte, if the plan charges by the image*  
25 *or byte.*

26 SEC. 2. No reimbursement is required by this act pursuant to  
27 Section 6 of Article XIII B of the California Constitution because  
28 the only costs that may be incurred by a local agency or school  
29 district will be incurred because this act creates a new crime or  
30 infraction, eliminates a crime or infraction, or changes the penalty  
31 for a crime or infraction, within the meaning of Section 17556 of



1 the Government Code, or changes the definition of a crime within  
2 the meaning of Section 6 of Article XIII B of the California  
3 Constitution.

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